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6 Attorneys for Plaintiff

7 **IN THE UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 TMM, INC., a Nevada Corporation,

10 Plaintiffs,

11 v.

12 BROADCLIP, INC. dba FLYCAST, INC., a
13 Pennsylvania Corporation; CHARLES
14 MARIEA, individually; DEAN MARIEA,
15 individually, DIGITAL DEFINITION, LLC,
an Ohio Corporation; and DOES 1-100; and
ROE CORPORATIONS 101-200,

Defendants.

CASE NO.: 2:12-cv-01817-GNM-PAL

**STIPULATION AND ORDER TO
REMAND TO STATE COURT**

16 Plaintiff TMM, INC. ("TMMI" or "Plaintiff"), by and through its attorneys of record,
17 MICHAEL B. LEE, P.C., and Defendants CHARLES MARIEA, DEAN MARIEA, and DIGITAL
18 DEFINITION, LLC ("collectively referred to as "Defendants") ("Plaintiff" and "Defendants" are
19 collectively referred to as "Parties"), by and through their counsel of record, WEIDE & MILLER,
20 LTD., hereby agree and stipulate as follows:

21 1. That Defendants were served with the Complaint on September 27, 2012.

22 However, the Parties commenced in settlement discussions that continued to the present time.

23 2. That removal of this matter was based on diversity of citizenship by Defendant
24 BROADCLIP, INC. dba FLYCAST, INC ("FlyCast") based on the out-of-state domicile of
25 FlyCast. While Defendants are out-of-state residents, Defendants were not going to agree to the
26 removal of this action to federal court.

27 3. Plaintiff notified FlyCast that Defendants were unlikely to agree to the removal,
28 and it was mutually understood that this matter would be remanded if settlement with Defendants

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1 was unsuccessful. Since then, Plaintiff successfully reached a settlement with FlyCast, although
2 settlement with Defendants was unfruitful.

3 4. That there are no federal claims in this action.

4 5. Defendants were properly served in the state court action.

5 6. Defendants refuse to join in the notice of removal filed by FlyCast.

6 7. Plaintiff has a separate action against Defendants in state court, and the Parties
7 intend on consolidating those two matters into a single case.

8 Dated this 23 day of May, 2013.

Dated this 23 day of May, 2013.

9 MICHAEL B. LEE, P.C.

Weide & Miller, Ltd.

10 /s/ Michael Lee
11 MICHAEL B. LEE, ESQ. (NSB 10122)
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/s/ Kendelee Works
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15 Attorney for Mariea Defendants

16 **ORDER**

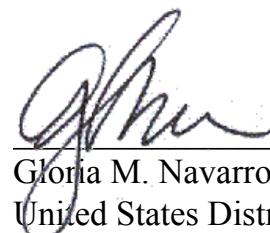
17 Based on the foregoing **STIPULATION AND ORDER TO REMAND TO STATE**
18 **COURT, IT IS HEREBY ORDERED, ADJUDICATED, AND DECREED** that this matter is
19 remanded to state court.

20 **DATED** this 28th day of May, 2013.

21
22 Respectfully Submitted By:

23 MICHAEL B. LEE, P.C.

24 /s/ Michael Lee
25 MICHAEL B. LEE, ESQ. (NSB 10122)
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28 Attorneys for Plaintiff


Gloria M. Navarro
United States District Judge